

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

Diane M. Doolittle (CA Bar No. 142046)  
dianedoolittle@quinnemanuel.com  
Sara Jenkins (CA Bar No. 230097)  
sarajenkins@quinnemanuel.com  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Andrew H. Schapiro (admitted *pro hac vice*)  
andrewschapiro@quinnemanuel.com  
Teuta Fani (admitted *pro hac vice*)  
teutafani@quinnemanuel.com  
191 N. Wacker Drive, Suite 2700  
Chicago, IL 60606  
Telephone: (312) 705-7400  
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)  
stephenbroome@quinnemanuel.com  
Viola Trebicka (CA Bar No. 269526)  
violatrebicka@quinnemanuel.com  
Crystal Nix-Hines (Bar No. 326971)  
crystalnixhines@quinnemanuel.com  
865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

Josef Ansorge (admitted *pro hac vice*)  
josefansorge@quinnemanuel.com  
Xi ("Tracy") Gao (CA Bar No. 326266)  
tracygao@quinnemanuel.com  
Carl Spilly (admitted *pro hac vice*)  
carlspilly@quinnemanuel.com  
1300 I Street NW, Suite 900  
Washington D.C., 20005  
Telephone: (202) 538-8000  
Facsimile: (202) 538-8100

Jomaire Crawford (admitted *pro hac vice*)  
jomairecrawford@quinnemanuel.com  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

Jonathan Tse (CA Bar No. 305468)  
jonathantse@quinnemanuel.com  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

*Counsel for Defendant Google LLC*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE TRUJILLO,  
individually and on behalf of themselves and  
all others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE LLC'S ADMINISTRATIVE  
MOTION TO SEAL PORTIONS OF  
GOOGLE LLC'S SUBMISSION IN  
RESPONSE TO DKT. 604**

Judge: Hon. Susan van Keulen, USMJ

## I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Defendant Google LLC (“Google”) respectfully seeks to seal certain portions of Google’s Submission in Response to Dkt. 604 (“Google’s Submission”), which contains non-public, highly sensitive and confidential business information that could affect Google’s competitive standing and may expose Google to increased security risks if publicly disclosed, including various types of Google’s internal databases, logs, and encryption practices, and their proprietary functionalities. This information is highly confidential and should be protected.

This Administrative Motion pertains for the following information contained in Google’s Submission:

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality
Google’s Submission in Response to Dkt. 604	Portions Highlighted in Yellow at:  Pages: 1:15-16, 1:19-2:3, 2:5, 2:10-13, 2:21-23, 2:25-26, 2:28	Google

## II. LEGAL STANDARD

A party seeking to seal material must “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civ. L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

In the context of dispositive motions, materials may be sealed in the Ninth Circuit upon a showing that there are “compelling reasons” to seal the information. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006). However, a party seeking to seal information in a non-dispositive motion must show only “good cause.” *Id.* at 1179-80. The rationale for the lower standard with respect to non-dispositive motions is that “the public has less of a need for access to court records attached only to non-dispositive motions because these documents are often unrelated, or only tangentially related, to the underlying cause of action” and that as a result “[t]he public policies that support the right of access to dispositive motions, and related materials, do not

1 apply with equal force to non-dispositive materials.” *Kamakana*, 447 F.3d at 1179; *see also TVIIM,*  
 2 *LLC v. McAfee, Inc.*, 2015 WL 5116721, at \*1 (N.D. Cal. Aug. 28, 2015) (“Records attached to non-  
 3 dispositive motions are not subject to the strong presumption of access.”) (citation omitted). Under  
 4 the “good cause” standard, courts will seal statements reporting on a company’s users, sales,  
 5 investments, or other information that is ordinarily kept secret for competitive purposes. *See*  
 6 *Hanginout, Inc. v. Google, Inc.*, 2014 WL 1234499, at \*1 (S.D. Cal. Mar. 24, 2014); *Nitride*  
 7 *Semiconductors Co. v. RayVio Corp.*, 2018 WL 10701873, at \*1 (N.D. Cal. Aug. 1, 2018) (granting  
 8 motion to seal “[c]onfidential and proprietary information regarding [Defendant]’s products” under  
 9 “good cause” standard) (van Keulen, J.). Although the materials that Google seeks to seal here  
 10 easily meet the higher “compelling reasons” standard, the Court need only consider whether these  
 11 materials meet the lower “good cause” standard.

### 12 **III. THE ABOVE IDENTIFIED MATERIALS SHOULD ALL BE SEALED**

13 Courts have repeatedly found it appropriate to seal documents that contain “business  
 14 information that might harm a litigant’s competitive standing.” *Nixon v. Warner Commc’ns, Inc.*,  
 15 435 U.S. 589, 589-99 (1978). Good cause to seal is shown when a party seeks to seal materials that  
 16 “contain[] confidential information about the operation of [the party’s] products and that public  
 17 disclosure could harm [the party] by disclosing confidential technical information.” *Digital Reg of*  
 18 *Texas, LLC v. Adobe Sys., Inc.*, 2014 WL 6986068, at \*1 (N.D. Cal. Dec. 10, 2014). Materials that  
 19 could harm a litigant’s competitive standing may be sealed even under the “compelling reasons”  
 20 standard. *See e.g., Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*, 2015 WL 984121, at  
 21 \*2 (N.D. Cal. Mar. 4, 2015) (information “is appropriately sealable under the ‘compelling reasons’  
 22 standard where that information could be used to the company’s competitive disadvantage”)  
 23 (citation omitted). Courts in this district have also determined that motions to seal may be granted  
 24 as to potential trade secrets. *See, e.g. United Tactical Sys., LLC v. Real Action Paintball, Inc.*, 2015  
 25 WL 295584, at \*3 (N.D. Cal. Jan. 21, 2015) (rejecting argument against sealing “that [the party]  
 26 ha[s] not shown that the substance of the information . . . amounts to a trade secret”).

27 Here, Google’s Submission comprises confidential and proprietary information regarding  
 28 highly sensitive features of Google’s internal systems and operations that Google does not share

1 publicly. Specifically, this information provides internal details related to Google’s databases, logs,  
2 and encryption practices, and their proprietary functionalities. Such information reveals Google’s  
3 internal strategies, system designs, and business practices for operating and maintaining many of its  
4 important services while complying with its legal and privacy obligations.

5       Public disclosure of the above-listed information would harm Google’s competitive standing  
6 it has earned through years of innovation and careful deliberation, by revealing sensitive aspects of  
7 Google’s proprietary systems, strategies, and designs to Google’s competitors. That alone is a proper  
8 basis to seal such information. *See, e.g., Free Range Content, Inc. v. Google Inc.*, No. 14-cv-02329-  
9 BLF, Dkt. No. 192, at 3-9 (N.D. Cal. May 3, 2017) (granting Google’s motion to seal certain  
10 sensitive business information related to Google’s processes and policies to ensure the integrity and  
11 security of a different advertising system); *Huawei Techs., Co. v. Samsung Elecs. Co.*, No. 3:16-cv-  
12 02787-WHO, Dkt. No. 446, at 19 (N.D. Cal. Jan. 30, 2019) (sealing confidential sales data because  
13 “disclosure would harm their competitive standing by giving competitors insight they do not have”);  
14 *Trotsky v. Travelers Indem. Co.*, 2013 WL 12116153, at \*8 (W.D. Wash. May 8, 2013) (granting  
15 motion to seal as to “internal research results that disclose statistical coding that is not publically  
16 available”).

17       Moreover, if publicly disclosed, malicious actors may use such information to seek to  
18 compromise Google’s data sources. Google would be placed at an increased risk of cyber security  
19 threats. *See, e.g., In re Google Inc. Gmail Litig.*, 2013 WL 5366963, at \*3 (N.D. Cal. Sept. 25,  
20 2013) (sealing “material concern[ing] how users’ interactions with the Gmail system affects how  
21 messages are transmitted” because if made public, it “could lead to a breach in the security of the  
22 Gmail system”). The security threat is an additional reason for this Court to seal the identified  
23 information.

24       The information Google seeks to redact is the minimal amount of information needed to  
25 protect its internal systems and operations from being exposed to not only its competitors but also  
26 to nefarious actors who may improperly seek access to and disrupt these systems and operations.  
27 The “good cause” rather than the “compelling reasons” standard should apply but under either  
28 standard, Google’s sealing request is warranted.

1 **IV. CONCLUSION**

2 For the foregoing reasons, the Court should seal the identified portions of Google's  
3 Submission.

4  
5 DATED: June 21, 2022

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

6 By /s/ Andrew H. Schapiro

7 Andrew H. Schapiro (admitted *pro hac vice*)  
andrewschapiro@quinnemanuel.com  
8 191 N. Wacker Drive, Suite 2700  
Chicago, IL 60606  
9 Telephone: (312) 705-7400  
10 Facsimile: (312) 705-7401

11 Stephen A. Broome (CA Bar No. 314605)  
stephenbroome@quinnemanuel.com  
12 Viola Trebicka (CA Bar No. 269526)  
violatrebicka@quinnemanuel.com  
13 865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
14 Telephone: (213) 443-3000  
15 Facsimile: (213) 443-3100

16 Diane M. Doolittle (CA Bar No. 142046)  
dianedoolittle@quinnemanuel.com  
17 555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
18 Telephone: (650) 801-5000  
19 Facsimile: (650) 801-5100

20 Josef Ansorge (admitted *pro hac vice*)  
josefansorge@quinnemanuel.com  
21 1300 I. Street, N.W., Suite 900  
Washington, D.C. 20005  
22 Telephone: 202-538-8000  
23 Facsimile: 202-538-8100

24 Jomaire A. Crawford (admitted *pro hac vice*)  
jomairecrawford@quinnemanuel.com  
25 51 Madison Avenue, 22nd Floor  
New York, NY 10010  
26 Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

27 Jonathan Tse (CA Bar No. 305468)  
jonathantse@quinnemanuel.com  
28 50 California Street, 22nd Floor

San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

*Attorneys for Defendant Google LLC*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28